

VOLUME 5

NUMBER 139

Rules, Regulations, Orders

CHAPTER IV—CHILDREN'S BUREAU
[Regulation No. 1-H]

AUTHORITY FOR REGULATION

JULY 15, 1940.

By virtue of and pursuant to the authority conferred by section 3 (l) and section 11 (b) of the Fair Labor Standards Act of 1938¹ the following regulation is hereby issued for the purpose of extending the effective period of Child Labor Regulation No. 1-A, entitled "Temporary Certificates of Age," as amended by Child Labor Regulations Nos. 1-B, 1-C, 1-D, 1-E, 1-F, and 1-G.

REGULATION

Child Labor Regulation No. 1-A, entitled "Temporary Certificates of Age," issued October 14, 1938,^a as amended by Child Labor Regulations Nos. 1-B, 1-C, 1-D, 1-E, 1-F, and 1-G,^b is hereby amended by extending the effective period for the acceptance of temporary certificates of age, as provided in Child Labor Regulation No. 1-A, for an additional period from and after July 22, 1940, to and including December 31, 1940.

[SEAL] KATHARINE F. LENROOT,
Chief.

[F. R. Doc. 40-2961; Filed, July 17, 1940;
11:37 a. m.]

CHAPTER I—GENERAL LAND OFFICE
[Circular No. 1474]

In order to avoid the procurement of unnecessary reports respecting applications to enter or select lands under the

¹ Act of June 25, 1938, c. 676, 52 Stat. 1060, U. S. Code, Supp. IV, tit. 29, sec. 201.

³ 3 F.R. 2531.
⁴ 4 F.R. 402; 4 F.R. 1620; 4 F.R. 3328; 4 F.R. 4262; 5 F.R. 159; and 5 F.R. 1365.

non-mineral public land laws, and otherwise to facilitate action on such applications, the following regulation is adopted:

§ 101.19 *Action on applications; reports.* Commencing 60 days after the effective date hereof, the originals and copies of all applications to enter or select public lands outside of Alaska, under the non-mineral public land laws, will be transmitted by the registers to the General Land Office for preliminary consideration. If, upon examination of the applications by the General Land Office, it appears that any of the lands involved are within any grazing district, a copy of the application will be furnished the Grazing Service and that agency requested to submit an appropriate report. Should it appear necessary, an appropriate report will be requested from the Division of Investigations. All regulations of the General Land Office which are in conflict with this procedure are hereby amended so as to conform thereto.

Codified regulations amended. There is appended a list of the regulations in Title 43, Chapter I, of the Code of Federal Regulations which are affected by the procedure prescribed by § 101.19. There also is appended the text of such regulations, amended so as to conform to such procedure. These regulations, as amended, are hereby approved.

FRED W. JOHNSON,
Commissioner.

Approved, July 8, 1940.

HAROLD L. ICKES,
Secretary of the Interior.

EXCHANGES OF PRIVATELY OWNED LANDS,
UNDER TAYLOR GRAZING ACT

43 CFR	Par.	Circ.	Date	I.D.
146.3	2	1408	Sept. 3, 1936	55-614
146.9	8	1408	do	55-618

EXCHANGES BY STATES, UNDER TAYLOR
GRAZING ACT

147.5		1436a	May 23, 1938	
147.6		1436a	do	
147.13	9	1398	July 22, 1936	55-588

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EXCHANGES TO ELIMINATE PRIVATE HOLDINGS WITHIN GLACIER NATIONAL PARK

43 CFR	Par.	Circ.	Date	L.D.
150.3	-----	890	Apr. 23, 1923	49-537
150.4	-----	890	do	49-537
150.6	-----	890	do	49-538



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EXCHANGES TO ELIMINATE PRIVATE HOLDINGS WITHIN BRUCE CANYON AND ZION NATIONAL PARKS

43 CFR	Par.	Circ.	Date	L.D.
150.9	-----	964	Nov. 10, 1934	50-663
150.10	-----	964	do	50-663
150.12	-----	964	do	50-664

EXCHANGES FOR THE BENEFIT OF THE STATES OF NORTH DAKOTA, SOUTH DAKOTA, MONTANA, AND WASHINGTON

43 CFR	Par.	Circ.	Date	L.D.
152.9	8	1276	June 27, 1932	53-711
152.10	9	1276	do	53-711
152.11	10	1276	do	53-711

SECOND HOMESTEAD ENTRY BY PERSON WHOSE FORMER ENTRY WAS LOST, FORFEITED OR ABANDONED

166.87	-----	1308	Aug. 5, 1933	54-269
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DESERT-LAND ENTRIES

232.6	5	474	Dec. 18, 1928	-----
232.6	-----	1308	Aug. 5, 1933	54-269
232.7	-----	1308	do	54-269
232.10	8	474	Dec. 18, 1928	-----
232.15	13	474	do	-----

PUBLIC SALES

250.6	5	684	Nov. 23, 1934	55-78
250.6	-----	1376	Jan. 23, 1936	-----
250.22	20	684	Nov. 23, 1934	55-82

TIMBER AND STONE ENTRIES

43 CFR	Par.	Circ.	Date	L.D.
285.7	6	851	Feb. 25, 1926	51-367
285.9	8	851	do	51-367
285.11	10	851	do	51-368
285.13	12	851	do	51-368
285.14	13	851	do	51-369
285.15	14	851	do	51-369
285.16	15	851	do	51-369
285.17	17	851	do	51-370
285.18	18	851	do	51-370

CLASSIFICATION AND ENTRY OF LANDS AFFECTED BY GENERAL ORDERS OF WITHDRAWAL, OR WITHIN A GRAZING DISTRICT

43 CFR	Par.	Circ.	Date	L.D.
296.5	4	1333b	June 29, 1937	56-468
296.6	5	1333b	do	56-469

CODIFIED REGULATIONS AMENDED TO INCLUDE NEW PROCEDURE

PART 146—EXCHANGES OF PRIVATELY-OWNED LANDS, UNDER TAYLOR GRAZING ACT

§ 146.3 *Action on application; reports.* If the application for exchange appears regular and in conformity with the law and the regulations, the register will assign a serial number thereto, and after appropriate notations have been made upon the records of the district land office, will transmit the original and duplicates of the application to the General Land Office, for preliminary consideration, together with a report, in duplicate, as to any conflicts of record. If, upon examination of the application, it appears that any of the lands involved (either offered or selected) are within any grazing district, a copy of the application will be furnished the Grazing Service and that agency requested to submit an appropriate report. Should it appear necessary, an appropriate report will be requested from the Division of Investigations.

The report by the Director of Grazing, will include information as to whether there are any watering places of public value on any of the selected lands.

The Director of Investigations, if requested, will report to the General Land Office as to the values of the offered and selected lands; whether the selected lands are occupied, improved, cultivated, or claimed by another; whether the selected lands contain minerals, timber, springs, water holes, or hot or medicinal springs; whether any proposed reservation by the applicant in the offered lands will affect the equality of the values; whether there are any reasons why the exchange should not be consummated; and such facts as will aid in determination of whether the proposed exchange is in the public interests.

§ 146.9 Should information available to the General Land Office or the report from the Director of Investigations, if requested, disclose inequalities of value, the Commissioner of the General Land Office will advise the applicant and afford him an opportunity to adjust matters so as to bring the exchange within the provisions of the law.

PART 147—EXCHANGES BY STATES, UNDER TAYLOR GRAZING ACT

§ 147.5 *Action by Register.* If the application for exchange appears regular and in conformity with the law and the regulations, the register will assign a serial number thereto, and after appropriate notations have been made upon the records of the district land office, will transmit the original and duplicates of the application to the General Land Office for preliminary consideration, together with a report, in duplicate, as to any conflicts of record.

The lands included in the application will be segregated upon the records of the district land office and General Land Office, and will not be subject to other

appropriation, application, selection, or filing.

§ 147.6 *Action by General Land Office; reports.* If, upon examination of the application by the General Land Office, it appears that any of the lands involved (either offered or selected) are within any grazing district, a copy of the application will be furnished the Grazing Service and that agency requested to submit an appropriate report. Should it appear necessary, an appropriate report will be requested from the Division of Investigations.

The report by the Director of Grazing will include information as to whether there are any watering places of public value on any of the selected lands.

When an application for exchange is based on equal values, the Director of Investigations, if requested, will report to the General Land Office as to the values of the offered and selected lands; whether the selected lands are occupied, improved, cultivated, or claimed by anyone adversely to the State; whether the selected lands contain minerals, timber, springs, water holes, hot or medicinal springs, or any special features which should be considered in acting on the application; and whether any proposed reservation by the State in the offered lands will affect the equality of the values.

When an application for exchange is based upon equal areas, the Director of Investigations, if requested, will report as to the character of the selected lands and as to mineral, springs or water holes thereon.

§ 147.13 Should information available to the General Land Office or the report from the Director of Investigations disclose inequalities of value, the Commissioner of the General Land Office will advise the State and afford it opportunity for adjustment so as to bring the exchange within the provisions of the law.

In the case of an equal area exchange, should information available to the General Land Office, or the report of the Division of Investigations, show that the selected lands are mineral in character, the State will be required to file its consent to the reservation to the United States of all minerals in such lands. In making exchanges based upon equal areas, when the offered lands are mineral in character and the State holds title thereto, the State may, if desired, reserve the mineral rights in such offered lands in accordance with the provisions of paragraph 2 of subsection (c) of section 8 of the Taylor Grazing Act, as amended.

PART 150—EXCHANGES TO ELIMINATE PRIVATE HOLDINGS FROM NATIONAL PARKS AND NATIONAL MONUMENTS

Exchanges to Eliminate Private Holdings Within Glacier National Park, Montana

§ 150.3 *Action on application; joint field examination and report.* If a selection appears regular and in conformity

with the law and regulations, the application will be referred by the register to the Commissioner of the General Land Office for preliminary consideration. If, upon examination of the application in the General Land Office, it appears that any of the lands involved are within any grazing district, a copy of the application will be furnished the Grazing Service and that agency requested to submit an appropriate report. Should it appear necessary, an appropriate report will be requested from the Division of Investigations.

The Division of Investigations, if requested, will have a field examination and report made of both the selected and the base lands to determine whether or not their value is equal within the meaning of the Act of February 28, 1923, with reference to their character as mineral, prairie, grazing, agricultural, timber, desert land or otherwise, as the case may be, and as to springs or water holes thereon, if any. When such report is requested, a representative of the Division of Investigations will cooperate with a representative of the Superintendent of the Glacier National Park in the examination and valuation of the base lands within the Glacier National Park. Should the report of the Division of Investigations show curable defects, the General Land Office will give the applicant an opportunity to amend his application, if possible, so as to cure the defects.

§ 150.4 *Publication and posting.* If the report of the Division of Investigations is favorable and the selection appears regular and in conformity with the law and regulations, the General Land Office will direct the register to notify the applicant and require him, within 30 days from receipt of notice, to begin publication of notice of his application in accordance with § 148.8 (Paragraph 7, Circular No. 863b, 56 I.D. 574), and in due time to submit proof thereof. The notice must be posted in the district land office during the entire period of publication and the posting must be certified to by the register.

§ 150.6 *Recommendation by General Land Office; action by Secretary.* The proof of publication and posting will be transmitted by the register to the General Land Office, by special letter. If found satisfactory, and in the absence of protests or other objections, the selection will be transmitted by the General Land Office to the Secretary of the Interior with appropriate recommendation.

If the Secretary decides that the application should be allowed, the applicant will be required to have his relinquishment recorded in the manner prescribed by the laws of the State of Montana and to have the abstract of title extended down to and including the date the deed of relinquishment or conveyance was recorded.

If the Secretary be of the opinion that further evidence as to value and charac-

ter of land involved is necessary, he may institute such inquiry as he may deem advisable.

The Secretary in the exercise of his discretion, may withhold his approval from any application made under the provisions of the Act of February 28, 1923, although the applicant may have complied with the rules and regulations applicable thereto.

Exchanges to Eliminate Private Holdings Within Bryce Canyon and Zion National Parks, Utah

§ 150.9 *Action on application: joint field examination and report.* If a selection appears regular and in conformity with the law and regulations the application will be referred by the register to the Commissioner of the General Land Office for preliminary consideration. If, upon examination of the application by the General Land Office, it appears that any of the lands involved are within any grazing district, a copy of the application will be furnished the Grazing Service and that agency requested to submit an appropriate report. Should it appear necessary, an appropriate report will be requested from the Division of Investigations.

The Division of Investigations, if requested, will have a field examination and report made of both the selected and the base lands to determine whether or not their value is equal within the meaning of the Act of June 7, 1924, with reference to their character as mineral, prairie, grazing, agricultural, timber, desert land or otherwise, as the case may be, and as to springs or water holes thereon, if any. When such a report is requested, a representative of the Division of Investigations will cooperate with a representative of the Superintendent of the Bryce Canyon National Park and the Zion National Park in the examination and valuation of the base lands within such national parks. Should the report of the Division of Investigations show curable defects, the General Land Office will give the applicant an opportunity to amend his application, if possible, so as to cure the defects.

§ 150.10 *Publication and posting.* If the report of the Division of Investigations is favorable and the selection appears regular and in conformity with the law and regulations, the Commissioner of the General Land Office will direct the register to notify the applicant and require him, within 30 days from receipt of notice, to begin publication of notice of his application in accordance with § 148.8 (Paragraph 7, Circular No. 863b, 56 I.D. 574), and in due time to submit proof thereof. The notice must be posted in the district land office during the entire period of publication and the posting must be certified to by the register.

§ 150.12 *Recommendation by General Land Office; action by Secretary.* The proof of publication and posting will be

transmitted by the register to the General Land Office, by special letter. If found satisfactory, and in the absence of protests or other objections, the selection will be transmitted by the General Land Office to the Secretary of the Interior with appropriate recommendation.

If the Secretary decides that the application should be allowed, the applicant will be required to have his relinquishment recorded in the manner prescribed by the laws of the State of Utah and to have the abstract of title extended down to and including the date the deed or relinquishment or conveyance was recorded.

If the Secretary be of the opinion that further evidence as to value and character of land involved is necessary, he may institute such inquiry as he may deem advisable.

The Secretary in the exercise of his discretion, may withhold his approval from any application made under the provisions of the Act of June 7, 1924, although the applicant may have complied with the rules and regulations applicable thereto.

PART 152—EXCHANGES FOR THE BENEFIT OF PARTICULAR STATES

Exchanges for the Benefit of the States of North Dakota, South Dakota, Montana, and Washington

§ 152.9 *Action on application: reports.* If the selection appears regular and in conformity with the law and regulations, the register will assign a serial number to the application and refer it to the Commissioner of the General Land Office, for preliminary consideration. If, upon examination of the application by the General Land Office, it appears that any of the lands involved (either offered or selected) are a part of any grazing district, a copy of the application will be furnished the Grazing Service and that agency requested to submit an appropriate report. If it appears necessary, an appropriate report will be requested from the Division of Investigations.

The Division of Investigations, if requested, will have a field examination made of both the selected and the base lands to determine whether or not their value is equal within the meaning of the Act of May 7, 1932, to determine the character of the selected land as to minerals, and to determine whether or not the selected land has value for springs or water holes withdrawn in Public Water Reserve No. 107, or by E.O. 5389, of July 7, 1930.

§ 152.10 *Publication and posting; return of deed for recording and abstract for completion; approval of selection.* If the report of the Division of Investigations is favorable, the Commissioner, in the absence of objection, will authorize the acceptance of the selection, and direct the register to prepare notice for publication of the selected land, in accordance with § 270.10 (Paragraph 10,

regulations of June 23, 1910, 39 L.D. 40). The notice must be posted in the district land office during the entire period of publication and the posting must be certified to by the register. If, upon receipt in the General Land Office of proof of publication and posting without protest or contest, and upon examination of the report of the Division of Investigations and other records in the General Land Office pertaining to the lands involved in the exchange sought, it is considered that the State is entitled to such exchange, the deed will be returned to the State for recordation and transmittal to the General Land Office, and where abstract of title was required, such abstract will be returned to be brought down to show the title in the United States, free from all liens and encumbrances, including tax liens. Upon the return of the recorded deed and satisfactory abstract of title, the selections will be embraced in a clear list and transmitted to the Secretary with recommendation for approval, in the absence of objection, with a view to the certification to the State of the selected lands.

§ 152.11 *Amendment of application.* Should the report of the Division of Investigations be adverse to the State, opportunity will be given the State to amend the application or to make such showing as may be desired. Notice of additional requirements, rejection, or other adverse action, will be given, and the right of appeal, review, or rehearing recognized in the manner prescribed by the rules of practice, Part 221.

PART 166—ORIGINAL, ADDITIONAL, SECOND, AND ADJOINING FARM HOMESTEADS, AUTHORIZED BY THE GENERAL PROVISIONS OF THE HOMESTEAD LAWS

Second Entry by Person Whose Former Entry Was Lost, Forfeited, or Abandoned

§ 166.87 *Application to be forwarded to the General Land Office.* An application for homestead entry, accompanied by a petition for classification and opening of the lands to entry under the homestead laws and a showing for second entry on Form 4-007c, will be transmitted by the register to the Commissioner of the General Land Office for preliminary consideration. If upon consideration of the application, petition, and second entry showing it appears that a report as to the applicant's qualifications to make second homestead entry should be secured from the Division of Investigation, such report will be requested. If any other report is required from that Division or other agency, as to the application or petition, such report will be requested at the same time.

PART 232—DESERT-LAND ENTRIES

Section 232.6 of the Code of Federal Regulations, relating to second desert-land entries, based on paragraph 5 of Circular No. 474, December 18, 1928, and

Circular No. 1308, August 5, 1933 (54 I.D. 269), provides in part:

"Applications to make second entry must not be allowed by the registers, but must be forwarded by them, with appropriate recommendations, to the special agent in charge of the district in accordance with § 232.7. * * *"

This provision is hereby amended to read:

"Applications to make second entry must not be allowed by the registers, but must be forwarded by them, with appropriate recommendations, to the Commissioner of the General Land Office, in accordance with § 232.7."

§ 232.7 *Report on application for second desert-land entry.* An application for desert-land entry, accompanied by a petition for classification and opening of the lands to entry under the desert-land laws and a showing for second entry on Form 4-007c, will be transmitted by the register to the Commissioner of the General Land Office for preliminary consideration. If upon examination of the application, petition and second entry showing it appears that a report as to the applicant's qualifications to make second desert-land entry should be secured from the Division of Investigations, such report will be requested. If any other report is required from that Division or other agency, as to the application or petition, such report will be requested at the same time.

§ 232.10 *Application for desert-land entry; petition for classification.* A person who desires to make entry under the desert-land laws must file with the register of the proper land office an application, in duplicate, under oath, showing that he is a citizen of the United States, or has declared his intention to become such citizen; that he is 21 years of age or over; and that he is a bona fide resident of the State in which the land sought to be entered is located, except in the State of Nevada, where the qualification as to citizenship is that of the United States only (41 Stat. 1086; 43 U.S.C. 323, 325). He also must state that he has not previously exercised the right of entry under the desert land laws by filing an allowable application and withdrawing it prior to its allowance or by making an entry or by having taken one by assignment; that he has personally examined every legal subdivision of the land sought to be entered; that he has not, since August 30, 1890, acquired title, under any of the agricultural land laws, to lands which, together with the land applied for, will exceed in the aggregate 320 acres, or 480 acres in case he has made an enlarged homestead for 320 acres; and that he intends to reclaim the lands applied for by conducting water thereon within four years from the date of his application. The application must contain a description of the land by legal subdivisions, section,

township, and range. If the application is made for lands, withdrawn or classified as coal lands or for lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, sodium, sulphur, oil, gas, or asphaltic minerals, or valuable therefor, the applicant also must state in his application that the same is made in accordance with and subject to the Act of June 22, 1910 (36 Stat. 583), or the Act of July 17, 1914 (38 Stat. 509), as the case may be.

The application must be accompanied by a petition, in duplicate, for the classification and opening of the land under the desert-land laws, when required by the regulations (§ 296.1-296.11; Circ. 1353b, June 29, 1937, 56 I.D. 465).

§ 232.15 *Plan of irrigation and payment; reports.* At the time of filing the application and petition with the register, the applicant also must file plans describing in detail the following: Source of water supply; character of the irrigation works constructed, in course of construction, or proposed to be constructed, i. e., reservoirs for storage, canals, flumes, or other methods by which water is to be conserved and conveyed to the land; if by direct diversion, the character and volume of the flow of the streams or springs, whether perennially flowing or intermittent. If the works have not been constructed, it must be shown whether they are to be built by an irrigation district, a corporation, or an association, and a general description of the proposed plan must be furnished. It must be shown in connection with any proposed plan whether, and by whom, surveys and investigations have been made which demonstrate the existence of a sufficient water supply and the feasibility of the proposed works to convey water to the land. If the applicant individually, or in association with others, proposes to construct irrigation works, a sworn statement must accompany the application, containing a general description of the proposed works, an estimate of the cost, and such other data as will enable the Department to determine the sufficiency of the water supply and the feasibility of the proposed works to convey water to the lands to be irrigated. If the irrigation is proposed by means of artesian wells or by pumping from nonartesian underground sources of water supply, sworn evidence must be submitted as to the existence of such water supply upon or near the land involved, including a statement as to other wells theretofore sunk and affording a water supply to adjoining or nearby lands.

With respect to the land itself, a specific showing must be submitted as to its approximate altitude, character of the soil, the approximate irrigable area of each legal subdivision, and the position and direction of the proposed permanent main and lateral ditches on the land, and that the land is of such contour that it can be irrigated from the proposed system. The map required

to be filed by section 4 of the Act of March 3, 1877, as amended by section 2 of the Act of March 3, 1891 (26 Stat. 1096; 43 U.S.C. 327), must be sufficiently definite and accurate (preferably, but not necessarily, prepared by a licensed engineer) to show the plan for conducting water to the land to be irrigated. The register will carefully examine the evidence submitted in such applications, and either reject defective applications or require additional evidence to be filed.

At the time of filing his application, petition, plans, and the statements submitted therewith the applicant must pay the register the sum of 25 cents per acre for the lands therein described, the application to be given its proper serial number at that time. No rights to the land are initiated by the filing of an application unless this sum is paid or tendered. The register will issue a receipt for the money, and, after proper notations have been made on the records of the district land office, will transmit the originals and duplicates of all of the papers to the General Land Office, for preliminary consideration, together with report in duplicate, as to any conflicts of record.

If upon consideration of the case in the General Land Office it appears that a report should be secured from the Grazing Service, or the Division of Investigations, or both, appropriate reports will be requested.

The Division of Investigations, if requested, will report as to the sufficiency of the alleged water supply and the feasibility of the proposed plans. When such a report is requested, the General Land Office will furnish that division the duplicate of the application, petition and plans for irrigation, together with all information available with respect to the land, the water supply, or the proposed plan of irrigation, including the financial responsibility and general ability of the irrigation districts, corporations, or associations which propose to construct works for the reclamation of such land.

In the event an applicant alleges a company, an association, or an irrigation district as the proposed source of water supply, upon which report has not been submitted, the Division of Investigations, in connection with a request for a report will cause an investigation to be made of such project and have a report submitted thereon to the Commissioner, stating facts sufficient to justify action as to the allowance of original entries under the project, and will transmit the application involved with the report. If the project alleged as the source of water supply, has been reported upon, but no action on such report has been taken by the Commissioner, the special agent in charge will report the facts in that connection. In the event the applicant alleges a project which has been passed upon by the Commissioner, the Division of Investigations will consider same in accordance with

the conclusions reached, and in the event that favorable action is warranted will so report. In case adverse action is necessary, the report of the Division of Investigations will so state, giving the reasons to justify such action.

PART 250—PUBLIC SALES

General Regulations Governing Public Sales

§ 250.6 *Action by register and by General Land Office; reports.* The register, on receipt of applications, will assign serial numbers thereto and have appropriate notations made upon the records of the district land office. If the applications are not properly executed or not corroborated the register will reject the same. All actions of the register will be subject to the right of appeal. Applications found by the register to be properly executed and corroborated will be disposed of as follows:

(a) If the applicant does not show himself qualified, or if the tract appears not to be subject to disposition, the register will reject the application; if part of the tract is appropriated, he will reject the application as to that part, and, in the absence of an appeal, will eliminate the description thereof from the application and take further action as though it had never been included therein. Where an appeal is filed, and the Commissioner of the General Land Office, decides to order all or part of the lands into the market, he will call upon the Division of Investigations for a report, as provided in paragraph (b) of this section.

(b) If the status of the lands is such that a sale may properly be ordered, the register, after noting the application on his records, will promptly forward the original and duplicate of the application to the General Land Office for preliminary consideration, together with a report, in duplicate, as to any conflicts of record.

If upon consideration of the application in the General Land Office it appears that a report should be secured from the Division of Investigations, a report covering the value of the land and any other information desired will be requested.

Public Sale of Tracts Which Are Moun- tainous or Too Rough for Cultivation

§ 250.22 In acting on applications for offering under the second proviso, regard will be had to the character of each subdivision applied for. Offering of an entire tract will not be had upon the ground that the greater part is of the character contemplated thereby, if taken as a whole.

PART 285—TIMBER AND STONE ENTRIES

§ 285.7 *Method of obtaining title.* Any qualified person may obtain title under the timber and stone law by performing the following acts, if the land is classified and opened to entry pursuant to his application: (a) Personally exam-

ining the land desired; (b) presenting an application and sworn statement with a petition for classification, accompanied by a filing fee of \$10; (c) depositing with the register the appraised price of the land; (d) publishing notice of his application and proof; (e) making satisfactory final proof.

§ 285.9 *Application; filing fee; petition for classification.* The application and sworn statement (Form 4-522) must contain the applicant's estimate of the timber, based on examination, and his valuation of the land and the timber thereon, by separate items. It must be executed in duplicate, after having been read to or by the applicant, in the presence of the officer administering the oath, and sworn to by him before such officer. The application may be sworn to before any officer qualified to administer oaths in public land cases. An application is not acceptable if executed more than 10 days before its deposit in the mails for filing in the district land office. Each applicant must, at the time he presents his application, deposit with the register a filing fee of \$10. In the States in which there is no district land office, the application and sworn statement must be mailed to the General Land Office, within the time mentioned.

The application must be accompanied by a petition in duplicate, for the classification of the land, as required by the regulations. (§§ 296.1-296.11; Circular No. 1353b, June 29, 1937, 56 I.D. 465)

§ 285.11 *Action by register; appraisal of lands.* After an application and petition for classification have been filed in the proper form, with deposit, the register will issue a receipt for the money, and, after proper notations have been made on the records of the district land office, will transmit the originals and duplicates of the papers to the General Land Office for preliminary consideration, together with a report, in duplicate, as to any conflicts of record.

The Division of Investigations, if requested, will cause the lands applied for to be appraised by a special agent, using form 4-526.

§ 285.13 *Appraisal; manner of return; approval.* The complete appraisal must be mailed or delivered personally to the special agent in charge under whose supervision it is made, and not to the applicant. The special agent in charge will transmit it, through the Director, Division of Investigations, to the Commissioner of the General Land Office for consideration, and approval, if satisfactory. The appraisal, if approved, will become effective if and when the land is classified and opened for entry, as requested.

§ 285.14 *Disagreement on appraisal; report; action by General Land Office.* The special agent in charge will return to the special agent with his objections, an appraisal which he deems materially low or high, and the special agent shall within 20 days from

the receipt thereof resubmit the papers, with such modifications or explanations as he may deem advisable or proper, upon receipt of which the special agent in charge will either approve the schedule as then submitted or forward the papers through the Director of Investigations to the Commissioner of the General Land Office with his memorandum of objection. If the Commissioner approves the appraisal, he will sign the certificate appended thereto and advise the Division of Investigations thereof. If the Commissioner approves the objection of the special agent in charge he will so indicate, and will return the papers to the Division of Investigations, which thereupon will order a new appraisal by a different officer.

§ 285.15 *Notation of appraisal; appraisal effective for one year.* If the land, or part thereof, is classified and opened for entry as requested, the register will note the price on his records, as of the date when the land becomes subject to entry, and for one year thereafter the land may be sold at such price. After the lapse of one year, an application under the Act of June 3, 1878, as amended, will be referred by the register to the Commissioner of the General Land Office for consideration as to whether the conditions then existing demand a new appraisal.

§ 285.16 *Notice of appraisal; payment or protest.* Upon receiving notice of the classification and opening of the land, or part thereof, the register will inform the applicant (using Form 4-524) that he must, within 30 days from service of notice, deposit with the register, in lawful money, in post-office money orders payable to the register, in certified checks drawn in favor of the register which can be cashed without cost to the Government, or in other acceptable form of remittance, the appraised price of the land and timber thereon, or within such time file his protest against the appraisal, depositing with the register a sum sufficient to defray the expenses of a reappraisal (which sum, not less than \$100, must be fixed by the register and specified in the notice to the applicant), together with his application for reappraisal at his own expense.

§ 285.17 *Objection to appraisal; application for reappraisal.* Any applicant filing his protest against an appraisal, and his application for reappraisal, must support it by his affidavit, corroborated by two competent, credible and disinterested persons, in which he must set forth specifically his objections to the appraisal. He must indicate his consent that the amount deposited by him for the reappraisal, or such part thereof, as is necessary, may be expended therefor, without any claim on his part for a refund or return of the money thus expended.

§ 285.18 *Reappraisal.* Upon the receipt of a protest against appraisal

and application for reappraisal, the register will transmit such protest and application to the Commissioner of the General Land Office, who, in the absence of objection, will request the Division of Investigations to cause a reappraisal to be made by some special agent other than the one who made the original appraisal. The procedure provided in § 285.12 (Paragraph 11, Circular No. 851), will be followed for reappraisal.

PART 296—CLASSIFICATIONS

Classification and Entry of Lands Affected by General Orders of Withdrawal, or Within a Grazing District

§ 296.5 *Action on applications and petitions, by register; homestead cases.* In all cases of applications to make entries, selections, or locations of public lands, accompanied by petitions for classification and opening of the lands to entry, selection, or location, and necessary fees and commissions, the register will assign serial numbers thereto, and after appropriate notations have been made upon the records of the district land office, will transmit the originals and duplicates of the applications and petitions to the General Land Office for preliminary consideration, together with reports, in duplicate, as to any conflicts of record.

In the case of a homestead application, the General Land Office will request a report from the Grazing Service, where the land is within a grazing district, or within an area under immediate consideration looking to its inclusion in a grazing district.

The Director of Grazing will report to the General Land Office as to the character and classification of the lands involved; that is, whether they may be classified and opened to homestead entry.

If the land applied for is inside of a grazing district, the Director of Grazing will include in his report a statement as to whether or not there are any allowed privileges in the form of licenses or permits to graze on special lands in the form of allotments and, if so, will give the names and addresses of all citizens, groups, associations, or corporations entitled to exercise such exclusive grazing privileges. Where the license or permit is to graze in common with others, the Grazing Service will report that fact.

If the report from the Grazing Service and other information available indicates that there is no objection to the classification and opening of the land and that there are no grazing allotment licensees' or permittees' rights involved, the General Land Office, through the Grazing Service, will recommend to the Secretary of the Interior that the lands be classified and opened to entry as applied for. If the recommendation is approved by the Secretary of the Interior, the General Land Office will fix a date for the opening of the land to

entry, and on that date the petitioner's application for entry will be allowed, in the absence of record objections.

If the lands are within a grazing district and the Grazing Service report and other information available indicates that there is no objection to the classification and opening of the lands as applied for, and it appears that the rights of allotment licensees or permittees are involved, the General Land Office through its proper district land office will cause proper notice to be given by registered mail of the contemplated classification and opening to entry to all allotment licensees or permittees entitled to exercise grazing privileges. Where the license or permit is to graze in common with others, notice will be given by publication in some newspaper of general circulation in the locality for the area affected. Such notice should allow a period of at least thirty days for the filing of objections to the proposed opening. If no objection be filed or if objection is made and found to be without merit, the classification and opening will be recommended by the General Land Office to the Secretary of the Interior, through the Grazing Service and, upon approval thereof, a date will be fixed by the General Land Office for the opening of the land to entry. At least thirty days' notice shall be given by the register to all allotment licensees or permittees that by that date their use of the land must be discontinued.

If the land involved is in a grazing lease, the General Land Office, through its proper district land office, will cause proper notice to be given to the lessee, by registered mail, of the contemplated classification and opening to entry. The lessee will be afforded due opportunity for the filing of protests, the same as is hereinabove provided for in the case of applications for lands in grazing districts. The procedure with respect to the opening of the lands to entry also will be the same as is hereinabove outlined.

§ 296.6 *Cases not under the homestead laws.* In the case of an application not under the homestead laws, the General Land Office will request a report from the Grazing Service if it appears from an examination of the application that any of the lands involved are within any grazing district. Also, if it appears necessary, a report will be secured from the Division of Investigations.

The Division of Investigations, if requested, will report as to whether any reason exists why the land should be retained in Federal ownership in aid of conservation and the development of the natural resources or whether it may be classified and opened to entry as sought, without detriment to the public interests. In addition, the report must give whatever information is required by the applicable laws and regulations.

If the land is inside of a grazing district, the Grazing Service will report as

to whether there is any objection to the classification and opening of the land as applied for and whether or not the rights of allotment licensees or permittees are involved and, if so, it will include in its report the names and addresses of all such licensees or permittees. Where the license or permit is to graze in common with others, the Grazing Service will report the fact. The General Land Office, through the proper district land office, will notify all such allotment licensees or permittees of the pending application. The procedure with respect to notice to allotment licensees, permittees, and lessees and to the classification and opening of the lands to entry will be the same as in homestead cases.

[F. R. Doc. 40-2956; Filed, July 17, 1940; 9:23 a. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 42]

CONSTRUCTION OR MATERIAL ALTERATION OF PASSENGER VESSELS OF THE UNITED STATES OF 100 GROSS TONS AND OVER PROPELLED BY MACHINERY

JULY 17, 1940.

Chapter I—Bureau of Marine Inspection and Navigation, is amended by the addition of a new subchapter at the end thereof entitled "Subchapter M—Construction or Material Alteration of Passenger Vessels of the United States of 100 Gross Tons and Over Propelled by Machinery," and by the addition in that subchapter of a new part entitled

PART 144—CONSTRUCTION OR MATERIAL ALTERATION OF PASSENGER VESSELS OF THE UNITED STATES OF 100 GROSS TONS AND OVER PROPELLED BY MACHINERY

§ 144.1 *Scope.* These regulations are applicable to every passenger vessel of the United States of 100 gross tons and over, propelled by machinery, the construction or material alteration of which shall be begun subsequent to May 27, 1936, and to every vessel of 100 gross tons and over, propelled by machinery, the material alteration of which shall be begun subsequent to May 27, 1936, for the purpose of converting the vessel to a passenger vessel of the United States.*

§ 144.2 *Plans and specifications.* Triplicate copies of general contract plans and specifications and of all other matters of a similar nature for all such vessels shall be submitted to the Director of the Bureau of Marine Inspection and Navigation for his approval before the construction or the material alteration of any such vessels shall be commenced, to

*§§ 144.1 to 144.7, inclusive, issued under the authority contained in sec. 5, Act of May 27, 1936; 46 U.S.C. Sup. 369 (a).

enable him to determine that any such vessels, when built or altered, as the case may be, can be navigated with safety to those on board. In case the said Director shall disapprove such plans and specifications, the person or persons submitting the same will be apprised thereof, together with the reasons for such disapproval, and advised of the amendments necessary to secure such approval. After the plans and specifications have been approved by the Director, no change or alterations shall be made therein unless resubmitted in accordance with the procedure above outlined and approved by the Director.*

§ 144.3 *Plans of American Bureau of Shipping.* In considering the general contract plans and specifications, the Director may accept the approved plans of the American Bureau of Shipping classed vessels as evidence of the structural efficiency of the hull and the reliability of the machinery of any such vessel, except as far as existing law places definite responsibility on the Bureau of Marine Inspection and Navigation.*

§ 144.4 *Structural strength, fire control, materials of construction.*

(1) The hull, bulkheads, decks and deckhouses shall be of steel or equivalent metal construction of appropriate scantlings.

(2) Interior boundaries shall be constructed of class A-1, A or B fire retardant materials depending on location.

(a) Class A-1 bulkheads shall, while subjected to a standard fire test reaching 1700° F., at the end of one hour be capable of withstanding the passage of flame and the average temperature on its unexposed side shall not rise more than 250° F. or more than 325° F. at any point during such one hour period. Such bulkheads shall be constructed of steel properly stiffened and lined or insulated, or lined and insulated with incombustible materials, and shall generally form the boundaries of:

(aa) Accommodations adjacent to service, cargo and machinery spaces.

(bb) Main fire zones within accommodations.

(cc) Stairway enclosures, cargo, elevator, dumbwaiter, ventilation and machinery trunks within accommodations.

(dd) Control stations.

(b) Class A bulkheads shall, while subjected to a standard fire test reaching 1700° F., be capable of withstanding the passage of flame during and at the end of a one hour period. Such bulkheads shall be constructed of steel and properly stiffened and shall generally form the boundaries of:

(aa) Main fire zones outside of accommodations.

(bb) Trunks and enclosures outside of accommodations.

(cc) Cofferdams between oil tanks and refrigerated spaces.

(c) Class B bulkheads shall, while subjected to a standard fire test reaching 1550° F., at the end of one hour be capable of withstanding the passage of flame and the average temperature on its unexposed side, shall not rise more than 250° F. or more than 325° F. at any point at the end of the first 15 minutes during such one hour period. Such bulkheads shall be constructed of incombustible materials and shall generally form the boundaries of:

(aa) Staterooms, storerooms, and similar enclosures.

(3) All windows shall be constructed with metal frames. Windows within accommodations and windows opening out on to open decks shall be fitted with wire inserted glass.

(4) Deck coverings within accommodations shall be of incombustible material.*

§ 144.5 *Alternative materials.* In any case where it is shown to the satisfaction of the Director that the use of any materials, as provided for in § 144.4, in the construction or material alteration of any such vessels is not reasonable or practicable, the Director may permit the use of other materials, including wood, to such an extent and upon such conditions (including additional fire-detecting and/or extinguishing equipment) as satisfies him that such vessel may in any such case be navigated with safety.*

§ 144.6 *Structural strength, subdivision, and stability.* All such vessels shall have sufficient strength, subdivision, and stability for the intended service. Any such vessels intended for ocean and coastwise voyages or voyages on the Great Lakes shall conform in these respects to the requirements set forth in the regulations promulgated by the Secretary of Commerce for the establishment of load lines for passenger vessels engaged in (I) an international voyage, (II) a coastwise voyage (other than the Great Lakes) and (III) a Great Lakes voyage, respectively. Any such vessels intended to be employed or navigated on other waters shall, in these respects, conform to the requirements of the General Rules and Regulations of the Board of Supervising Inspectors.*

§ 144.7 *Machinery and equipment.* For all such vessels provision shall be made with respect to the arrangement of machinery, boilers, mechanical, electrical and other equipment, appliances and systems required by inspection laws and regulations.*

[SEAL]

R. S. FIELD,
Director.

Approved:

EDWARD J. NOBLE,
Acting Secretary of Commerce.

[F. R. Doc. 40-2957; Filed, July 17, 1940; 11:00 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

WAGES AND PRICES, MAINLAND CANE SUGAR AREA

NOTICE OF HEARINGS AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (b) and (d) of section 301 and section 511 of the Sugar Act of 1937 (Public, No. 414, 75th Congress), as amended, notice is hereby given that public hearings will be held as follows:

At New Orleans, Louisiana, in the Association of Commerce Building, on July 29, 1940, at 9:30 a. m.; at New Iberia, Louisiana, in the Court Room of the Old Court House, on July 31, 1940, at 9:30 a. m.; at Donaldsonville, Louisiana, in the Court House, on August 2, 1940, at 9:30 a. m.; and at Clewiston, Florida, in the Clewiston School Auditorium, on August 6, 1940, at 9:00 a. m.

The purpose of such hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301 (b) of the said act, fair and reasonable wages for persons employed in the mainland cane sugar area in the harvesting of sugarcane during the period from September 1, 1940, to June 30, 1941, and the planting and cultivating of sugarcane during the calendar year 1941 on farms with respect to which applications for payments under the said act are made, and (2), pursuant to the provisions of section 301 (d) of the said act, fair and reasonable prices for the 1940 crop of sugarcane to be paid, under either purchase or toll agreements, by processors who, as producers, apply for payments under the said act; and to receive evidence likely to be of assistance to the Secretary of Agriculture in making recommendations, pursuant to the provisions of section 511 of the said act, with respect to the terms and conditions of contracts between producers and processors of sugarcane and with respect to the terms and conditions of contracts between laborers and producers of sugarcane.

G. LaGuardia, Otis E. Mulliken, Charles M. Nicholson, and John C. Bagwell are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Done at Washington, D. C., this 16th day of July, 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2955; Filed, July 16, 1940; 2:39 p. m.]

FEDERAL TRADE COMMISSION.

[File No. 21-360]

IN THE MATTER OF PROPOSED TRADE PRACTICE RULES FOR THE SUBSCRIPTION AND MAIL ORDER BOOK PUBLISHING INDUSTRY

NOTICE OF HEARING, AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 16th day of July, A. D. 1940.

This matter now being before the Federal Trade Commission under its Trade Practice Conference procedure, opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, associations, groups or other parties affected by or having an interest in the proposed trade practice rules for the Subscription and Mail Order Book Publishing Industry to present to the Commission, orally or in writing, their views concerning such rules, including such pertinent information, suggestions, or objections, if any, as they desire to submit. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Written communications of such matters should be filed with the Commission not later than August 2, 1940. Opportunity for oral hearing and presentation will be afforded at 10 a. m., August 2, 1940, in Room 332, Federal Trade Commission Building, Constitution Avenue at Sixth Street, Washington, D. C., to any such persons, partnerships, corporations, associations, groups, or other parties as may desire to appear and be heard. After giving due consideration to all matters submitted concerning the proposed rules, the Commission will proceed to their final consideration.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-2960; Filed, July 17, 1940; 11:20 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-111]

IN THE MATTER OF OGDEN CORPORATION AN ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of July, A. D. 1940.

Ogden Corporation, a registered holding company, having filed on July 6, 1940, a declaration pursuant to Rule U-12B-1 promulgated under the Public Utility Holding Company Act of 1935 with respect to a proposed non-interest bearing advance of \$75,000 on open account by Ogden Corporation to its subsidiary, Mt. Olive & Staunton Coal Company, to enable the latter to meet its

payrolls and to make improvements and betterments; and

Due notice of the filing of such declaration having been given and no one having requested a hearing thereon; and

Ogden Corporation having requested that such declaration be permitted to become effective July 17, 1940, and the Commission having duly considered said declaration and request;

It is ordered, That said declaration be and hereby is permitted to become effective on July 17, 1940.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Recording Secretary.

[F. R. Doc. 40-2958; Filed, July 17, 1940; 11:09 a. m.]

[File No. 70-115]

IN THE MATTER OF UNITED PUBLIC SERVICE CORPORATION

NOTICE REGARDING FILING OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of July, A. D. 1940.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than August 2, 1940, at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or request that he be notified if the Commission shall order a hearing thereon. At any time thereafter such application, as filed or as amended, may be granted under Section 10 of said Act as provided in Rule U-8 of the Rules and Regulations promulgated pursuant thereto, or, after hearing, such acquisition may be exempted from those provisions pursuant to Section 9 (c) (3) of said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Purchase by the Company for cash at private sale or in the open market at current market prices of not to exceed \$100,000 principal amount of First Mortgage 5½% Gold Bonds, Series A, due April 1, 1942, of Maysville Public Service Corporation (now, by change of name, Kentucky Power & Light Company) and/or of First Mortgage 5½% Gold Bonds, Series B, due March 1, 1948, of Kentucky Power and Light Company, in addition to bonds of said issues acquired and to be acquired by the Company, pursuant to the provisions of Rule

U-9C-3 (14) of the Commission. The Company has cash in its treasury substantially in excess of the amounts reasonably required for its corporate purposes, and considers that the investment of about \$100,000 of such cash in said bonds of Kentucky Power & Light Company, subsidiary company of the Company (in addition to bonds of said subsidiary purchased under Rule U-9C-3 (14), is advantageous from the standpoint of the Company as effecting an investment of idle cash in income providing bonds of the Company's subsidiary company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-2959; Filed, July 17, 1940;
11:09 a. m.]

[File No. 55-57]

IN THE MATTER OF WEST OHIO GAS
COMPANY
SUPPLEMENTAL NOTICE OF AND ORDER FOR
HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of July, A. D. 1940.

The National Bank of Lima and John L. Cable, Esq., its attorney (hereinafter sometimes termed "Applicants"), having filed an application herein pursuant to Rule U-11F-2 adopted under Section 11 (f) of the Public Utility Holding Company Act of 1935 for approval of the maximum amounts to be paid out of the Estate of West Ohio Gas Company for services rendered by the applicants in connection with the proceedings for the reorganization of the West Ohio Gas Company; and

The Commission by its order dated May 11, 1939, having, among other things, approved the maximum amount to be paid as final allowances to applicants; and

Applicants having filed supplemental applications herein pursuant to Rule U-11F-2 for approval of the maximum amounts in the sum of \$850 for the National Bank of Lima and \$270 for John L. Cable, Esq., to be paid to them as additional allowances for alleged extraor-

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inary services rendered after, and not contemplated at, the time the Commission made its said Order dated May 11, 1939:

It is ordered, That a hearing on such matters under the applicable provisions of said Act and the rules of the Commission thereunder be held on August 3d, 1940, at 10 o'clock in the forenoon of that day, at the Regional Office of the Securities and Exchange Commission, Room 1608, Standard Building, 1370 Ontario Street, Cleveland, Ohio.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such applicants and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 30th, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-2963; Filed, July 17, 1940;
11:49 a. m.]

[File No. 70-99]

IN THE MATTER OF SIOUX CITY GAS AND
ELECTRIC COMPANY AND IOWA PUBLIC
SERVICE COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of July, A. D. 1940.

Applications pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

It is ordered, That a hearing on such matter under the applicable provisions

of said Act and the rules of the Commission thereunder be held on August 5, 1940, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 30, 1940.

The matter concerned herewith is in regard to the following: Sioux City Gas and Electric Company, a registered holding company, proposes to purchase from its subsidiary, Iowa Public Service Company, also a registered holding company, 10,000 shares of common stock, par value \$50 each, of Nebraska Public Service Company, constituting all of the outstanding common stock of Nebraska Public Service Company.

The consideration for said sale will be \$350,000, which Iowa Public Service Company will employ in its building program.

The applicants have designated Sections 9, 10, 12 (d) and 12 (f) of the Act, and Rules U-12D-1 and U-12F-1 to be applicable to said transaction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-2962; Filed, July 17, 1940;
11:49 a. m.]

